

Robert G. Drummond
Chapter 13 Standing Trustee
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(Trustee)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	
)	No. 15-60651-13
THOMAS W. RIDINGS,)	
)	
Debtor.)	

**TRUSTEE'S MOTION FOR ORDER
COMPELLING TURNOVER OF PROPERTY OF THE ESTATE**

The Chapter 13 Standing Trustee respectfully represents:

1. The Debtor in the instant case filed his Chapter 13 bankruptcy on July 17, 2015 (Docket No. 1).
2. At the time he filed his bankruptcy case, the Debtor was the Plaintiff in a case pending in the United States District Court for the District of Montana, filed as Ridings et al v. Indymac Mortgage Services et al, Case No. 14-cv-00277-DLC.
3. The action pending in the United States District Court was listed in the Debtor's Amended Schedules (Docket No. 40). The action has not been claimed as exempt and no authority for exemption exists under Montana Law.
4. The Debtor's claim became property of the bankruptcy estate pursuant to 11 U.S.C. § 541(a) and 11 U.S.C. § 1306(a)(1).
5. The Debtor has proposed a Chapter 13 Plan (Docket No. 44) which provides for the turnover of proceeds recovered in the District Court action.

6. The Debtor's Plan has not yet been confirmed by the court and the action is in the possession of the estate.

7. This court should enter an order authorizing the Trustee to be substituted as the Plaintiff in the District court action so that he can administer the proceeds from the claim under the terms of the proposed Plan as property of the estate.

8. The Debtor has been contacted and does not object to this Motion.

WHEREFORE, the Trustee prays:

1. That this Court enter an order authorizing the Trustee to be substituted as the Plaintiff in the District court action in so that he can administer the proceeds from the claim under the terms of the proposed Plan as property of the estate

2. For such other and further relief as the court deems appropriate.

DATED December 9, 2015.

Chapter 13 Standing Trustee
P. O. Box 1829
Great Falls, MT 59403-1829

By /s/ Robert G. Drummond _____
Trustee

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED December 9, 2015.

Chapter 13 Standing Trustee
P. O. Box 1829
Great Falls, Montana 59403-1829

By /s/ Robert G. Drummond
Trustee

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify under penalty of perjury that a copy of the within and foregoing **TRUSTEE'S MOTION FOR ORDER COMPELLING TURNOVER OF PROPERTY OF THE ESTATE** was sent by first class mail postage prepaid on December 9, 2015, at Great Falls, Montana, and directed to the following:

Thomas Ridings
710 Martini Lane
Columbia Falls, MT 59912

/s/ Tiffany Floerchinger
Tiffany Floerchinger